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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

NEIL DEERING, individually, and on behalf)
of himself and all others similarly situated,)

Plaintiffs,)

-vs-)

CENTURYTEL, INC., a Louisiana)
Corporation, CENTURYTEL BROADBAND)
SERVICES, LLC, a Louisiana Corporation,)
and CENTURYTEL SERVICE GROUP, LLC,)
a Louisiana Corporation,)
Defendants.)

Case No. CV-10-12-M-DWM

Brief In Support of Motion For
Change of Venue

Local Rule 1.11(a)(2) provides that venue in civil cases is proper in any Division of the Court containing a county of proper venue under the laws of the State of Montana. Under MCA 25-2-122(2), if the defendant is a corporation incorporated in a state other than Montana, the proper place of trial for a tort action is (a) the county in which the tort was committed; (b) the county in which the plaintiff resides; or (c) the county in which the corporation's resident agent is located.

In this case, the Montana resident agent for Defendants CenturyTel Broadband Services, LLC and CenturyTel Service Group, LLC is CT Corporation Systems of Billings, Montana. Billings is in Yellowstone County, which is in the Billings Division of this Court.

Under MCA 25-2-117, if there are two or more defendants in an action a county that is a proper place of trial for any defendant is proper for all defendants.

Based on the foregoing, the Billings Division is a proper venue for this case. 28 U.S.C. §1404(b) allows for transfer of a case from one Division to another on motion, consent or stipulation. Defendants desire to consolidate this case with a case now pending in the Billings Division, styled *Mortensen et al. v. Bresnan Communications*, Cause No. 1:10-cv-00013-RFC, raising the same claims and presenting similar issues against other defendants, and intend to file a motion for consolidation for pre-trial purposes at such time as the Court's Order granting change of venue to the Billings Division may be entered. Another circumstance relevant to this request to transfer this case to the Billings Division is that it appears that Judge Donald Molloy, though excluded from the plaintiff class by definition, would otherwise be included in the plaintiff class.

Respectfully Submitted this 25th day of May, 2010.

/s/Alan Joscelyn
Gough, Shanahan, Johnson & Waterman, PLLP
Attorneys For Defendants

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing this May 25, 2010 with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Alan L. Joscelyn
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